



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,867	12/02/2003	Takefumi Hayashi	031295	1616

23850 7590 03/06/2006

ARMSTRONG, KRATZ, QUINTOS, HANSON & BROOKS, LLP  
1725 K STREET, NW  
SUITE 1000  
WASHINGTON, DC 20006

EXAMINER
----------

SHIH, THEODORE C

ART UNIT	PAPER NUMBER
----------	--------------

3735

DATE MAILED: 03/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/724,867	<b>Applicant(s)</b> HAYASHI, TAKEFUMI	
	<b>Examiner</b> Theodore C. Shih	<b>Art Unit</b> 3735	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12/2/2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/02/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/2/2003
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Claim Objections***

Claim 1 is objected to because of the following informalities: "identification information generating means" should be preceded by "said" or "the" in the third paragraph, 2<sup>nd</sup> line. Claim 2 is objected to because of the following informalities: "identification information generating means" should be preceded by "said" or "the" in the third line. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Morishima et al.'956 (US Patent 5,589,956). Morishima et al.'956 teaches an image display apparatus having an image generating means (identification information generating means) comprised of liquid crystal displays and a backlight illumination light source illuminating the LCDs forming light beams (col. 4, lines 25-27); and a hologram optical element (identification information combining member) (col. 4, lines 28-32) which combines the liquid crystal display light beam images into a continuous single image (col. 4, lines 44-49).

Furthermore, Morishima et al.'956 teaches a controller (identification information changing means) (col. 14, lines 30-34) which changes the identification information.

The structural limitations of the preamble are not required to define claimed structure as it applies to claim 1. If the body of the claim fully and intrinsically sets forth all of the limitations of the claimed invention, and the preamble merely states, for example, the purpose or intended use of the invention, rather than any distinct definition of any of the claimed invention's limitations, then the preamble is not considered a limitation and is of no significance to claim construction (see MPEP 2111.01(II)). Additionally, in the 2<sup>nd</sup> paragraph of claim 1, "for making a person to be examined identify each of the index images which are successively indicated by the index projecting optical system," and in the 3<sup>rd</sup> paragraph of claim 1, "that combines the identification information generated by identification information generating means with each of the index images to be indicated to the eye to be examined," do not add structural limitations to the claimed apparatus.

***Allowable Subject Matter***

The following is a statement of reasons for the indication of allowable subject matter: Hosoi et al.'861 (US Patent 5,856,861) teaches a microcomputer circuit that controls an illumination lamp, drive-motors, and target disk to project a predetermined test target (identification information generating means) (col. 5, lines 6-13). Furthermore the microcomputer circuit controls the drive motors, which rotates (changes) the target disk (identification information changing means) (col. 5, lines 9-10). Hosoi et al.'861 also teaches an optical system comprising a cross-cylinder disk (col. 4, lines 64-66). However, none of the prior art teaches or suggests, either alone or in combination, an ophthalmologic apparatus including an identification information

changing means for changing identification information in accordance with switching of a pair of index images in combination with the other claimed elements.


Claim 3 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims; and amended to address the objections as stated in the first paragraph.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theodore C. Shih whose telephone number is (571) 272-7234. The examiner can normally be reached on 8:30-5:00 est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ali Imam can be reached on (571) 272-4737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
ERIC F. WINAKUR  
PRIMARY EXAMINER